

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DENNIS JACKSON, }
Plaintiff, }
} }
vs. } No. _____
} }
WEXFORD HEALTH SERVICES }
Defendant. } **JURY DEMANDED**

**COMPLAINT FOR
EMPLOYMENT DISCRIMINATION ON THE BASIS OF RACE**

Plaintiff, by and through his attorney, Gilpin & Keefe, P.C., (Donald G. Gilpin & Torri A. Jacobus), allege and state:

JURISDICTION AND VENUE

1. This action is brought by Plaintiff to remedy discrimination and retaliation on the basis of race in the terms, conditions, and privileges of employment in violation of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 2000e et. seq. Further, Plaintiff seeks damages and other appropriate legal relief.
2. Plaintiff Dennis Jackson (“Jackson”) is a resident of Santa Fe County, New Mexico.
3. Upon information and belief, Defendant Wexford Health Services (“Wexford”) is a foreign corporation registered to do business in New Mexico. Defendant is an employer within the meaning of the Title VII.
4. Venue is proper because all the unlawful practices complained of herein occurred

within the District of New Mexico.

5. Plaintiff filed a timely EEOC charge and received his Notice of Right to Sue.

ALLEGATIONS

6. Dr. Jackson began his employment with the Wexford on November 7, 2005.
7. Dr. Jackson is employed as a Dentist.
8. Dr. Jackson is African American.
9. Prior to his hiring, Dr. Jackson was told that the going rate for a dentist working for Wexford in New Mexico was \$60-\$65 per hour.
10. Dr. Jackson was offered and accepted a pay rate of \$60 per hour.
11. Shortly after he was hired, Dr. Jackson referred an Anglo colleague, Dr. De Cunea to Wexford.
12. Dr. De Cunea was hired at the rate of \$75 per hour.
13. Dr. Ludwig, another Anglo dentist employed by Wexford, earns the rate of \$67 per hour.
14. Dr. Jackson, Dr. De Cunea, and Dr. Ludwig all perform the same job with the same job duties.
15. Dr. Jackson was told that he could not work a ten hour day four days a week work schedule. Dr. Jackson was told that he would have to adjust his schedule to five eight hour work days.
16. The Anglo dentists were allowed to work the ten hour per day four days a week work schedule.

17. After complaining to Wexford about his work schedule, Dr. Jackson's work schedule was eventually changed to a four day work week.
18. Dr. Jackson requested that he be considered for any available part time work.
19. Shortly after his request, some part time work became available.
20. The position was offered to an Anglo co-worker who had not requested any additional work.
21. After the co-worker turned down the position, it was offered to Dr. Jackson.
22. Dr. Jackson followed Wexford's policy on reporting discrimination and reported the discrimination to his Regional Manager and to the Human Resources Department.
23. The discrimination was not remedied after Dr. Jackson complained.
24. As a result of Defendant's actions, Jackson has suffered harm in the form of lost wages and benefits.
25. As a result of Defendant's actions, Jackson has suffered harm in the form of emotional distress and incurred costs.

COUNT I. DISCRIMINATION

26. Plaintiff Jackson repeats and realleges each and every allegation contained in paragraphs 1 through 26 of this complaint with the same force and effect as if set forth herein.
27. Defendant Wexford has discriminated against Dr. Jackson in the terms and conditions of his employment on the basis of his race in violation of Title VII.

28. The discrimination consisted of Defendant subjecting Dr. Jackson to disparate treatment in regards to his pay and work schedule.
29. Dr. Jackson has suffered and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory practices unless and until this Court grants relief.

JURY DEMAND

30. Plaintiff requests a trial by jury.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

- (A) Awarding Plaintiff compensatory damages that would make him whole for all earnings he would have received but for Defendant's discriminatory and retaliatory treatment, including but not limited to, wages, pension, and other benefits;
- (B) Awarding Plaintiff the costs for this action together with reasonable attorney's fees as provided by Title VII;
- (C) Awarding Plaintiff compensatory damages for his mental anguish and humiliation;
- (D) Awarding Plaintiff punitive damages; and
- (E) Granting such other and further relief as this Court deems necessary and proper.

Respectfully submitted,

GILPIN & KEEFE, P.C.

/s Donald G. Gilpin

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